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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,008	12/12/2001	Igor Davidovich Kushnirskiy	0007056-0233/P6791	2453
26263	7590	10/19/2004	EXAMINER	
SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080			TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,008

Applicant(s)

IGOR DAVIDOVICH KUSHNIRSKI

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1- 36 are presented for the examination.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 3, 15 and 27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10 and 19 of copending application serial no: 10/021915. Although the conflicting claims are not identical, they are not patentably distinct from each other because both computer systems comprise substantially the same elements. The differences between claim 1 of the application and this case are a wrapper and a scriptable language.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1-5, 9-17, 21-29, 33-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Narin et al (US. Patent 6,691,176 B1) and further in view of Admitted Prior Art(APA).

5. **As to claim 1**, Narin teaches the invention substantially as claimed including: a non-scriptable plug-in (objects such as Active X controls, col 2, ln 34-36/ these object calls services, col 3, ln 54-56/ services or object, col 4, ln 15-18/ Active controls can be written in a variety of programming languages, including C, C++, col 2, ln 13-16), a scriptable plug-in (the connector object which is either Active X control or plug-in interface, col 4, ln 10-15/ col 5, ln 61-64), since these objects can across different browser web pages(col 3, ln 53-55) and connector object is mapped depend on the different format of browser web pages(col 4, ln 3-5) , the plug-in connector object can be a different language from the language of plug-in objects(incorporate Activex technology, which enable software applications to interact with one another in a network environment regardless of the language in with the components were created(col 2, ln 5-10), bridges(the service manager ,col 4, ln 10-11), bridges connecting said scriptable and said non-scriptable plug-in APIs(col 4, ln 14-17).

6. Narin does not explicit teach API. However, APA teaches API (the API is often used by a developer to create plug-in, page 2, ln 4-6).

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7. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Narin and APA because APA's API would send and receive data via the interface regardless of their type and the software provider.

8. As to **claim 2**, Narin teaches a first interface in said scriptable plugin API (col 4, ln 15-16), a second interface in said non-scriptable plug-in API (col 14, ln 47-49/ col 6, ln 33-34), said bridges connects said first interface and said second interface (col 9, ln 25-30).

9. As to **claim 3**, Narin teaches a cross platform language (the service manager 190 is executable such as an out-of process COM server, col 10, ln 41-44), a scriptable language API (the connector object which is either Active X control or plug-in interface, col 4, ln 10-15/ col 5, ln 61-64), an interface between said cross platform language API and said scriptable language API (col 4, ln 10-11).

10. As to **claim 4**, Narin teaches a non-scriptable plug-in API (objects such as Active X controls, col 2, ln 34-36/ these object calls services, col 3, ln 54-56/ services or object, col 4, ln 15-18/ Active controls can be written in a variety of programming languages, including C, C++, col 2, ln 13-16), an interface between said non-scriptable plug-in API and said cross platform language API (col 14, ln 43-49).

11. As to **claim 5**, Narin teaches a cross platform language object in said cross platform language API (col 10, ln 38-43), a scripting language object in said scripting language API (the connector object which is either Active X control or plug-in interface, col 4, ln 10-15/ col 5, ln 61-64), non-scriptable plug-in object in said non-scriptable plug-in API (objects such as Active X controls, col 2, ln 34-36/ these object calls services, col 3, ln 54-56/ services or object, col 4, ln 15-18/ Active controls can be written in a variety of programming languages , including C, C++,

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col 2, ln 13-16), an interface between said cross platform language object and said scripting language object(col 4, ln 10-11), an interface between said non-scriptable plug-in object and said cross platform language object(col 14,ln 43-49).

12. As to claim 9, Narin teaches scripting language object is a Javascript object, a perl object or a Python object (col 1, ln 37-39).

13. As to claim 10, APA teaches XPCOM (page 4, ln 21-22).

14. As to claim 11, Narin teaches a scriptable plug-in (the connector object which is either Active X control or plug-in interface, col 4, ln 10-15/ col 5, ln 61-64), a proxy support interfaces wherein said scriptable plug-in can perform inter-thread calls through said proxy support interface (col 14, ln 45-48), the inter thread calls (the connector object package the function call to a service for interpretation by the service manage which is a proxy, col 4, ln 10-12 and col 14, ln 45-48).

15. As to claim 12, Narin teaches proxy support interface is an nsIsupports proxy (col 14, ln 45-48).

16. As to claim 13, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Narin teaches obtaining (col 6, ln 59-60/col 10, ln 63-64).

17. As to claim 14, it is an apparatus claim of claim 2; therefore, it is rejected for the same reason as claim 2 above.

18. As to claim 15, it is an apparatus claim of claim 3; therefore, it is rejected for the same reason as claim 3 above. In additional, Narin teaches obtaining (col 11, ln 11-12), implementing an interface (col 4, ln 17-19).

19. As to claims 16-17 and 21-22, they are apparatus claims of claims 4-5 and 9-10; therefore, they are rejected for the same reasons as claims 4-5 and 9-10 above.

20. As to claim 23, it is an apparatus claim of claim 11; therefore, it is rejected for the same reason as claim 11 above. In addition, Narin teaches implementing (col 4, ln 10-11).

21. As to claim 24, it is an apparatus claim of claim 12; therefore, it is rejected for the same reason as claim 12 above.

22. As to claim 25, it is an apparatus claim of claim 13; therefore, it is rejected for the same reason as claim 13 above. In addition, Narin teaches computer readable code (col 8, ln 56-58).

23. As to claim 26, it is an apparatus claim of claim 14; therefore, it is rejected for the same reason as claim 14 above.

24. As to claim 27, it is an apparatus claim of claim 15; therefore, it is rejected for the same reason as claim 15 above. In addition, Narin teaches computer readable code (col 8, ln 56-58).

25. As to claims 28-29 and 33-34, they are apparatus claims of claims 16-17 and 21-22; therefore, they are rejected for the same reasons as claims 16-17 and 21-22 above.

26. As to claim 35, it is an apparatus claim of claim 11; therefore, it is rejected for the same reason as claim 11 above. In addition, Narin teaches computer readable code (col 8, ln 53-56).

27. As to claim 36, it is an apparatus claim of claim 12; therefore, it is rejected for the same reason as claim 12 above.

28. Claims 6-8, 18-20 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narin et al (US. Patent 6,691,179 B1) in view of Admitted Prior Art (APA) in view of NS (Netscape Gecko Technologies Enabling the Next-Generation Internet).

29. As to claim 6, Narin and APA do not teaches an XPIDL interface. However NS teaches an XPIDL interface (the XPIDL compiler, page 8, sec: the XPIDL compiler).

30. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Narin, APA and NS because NS's XPIDL interface would supports many different platforms that are required for implementing XPCOM.

31. As to claim 7, NS teaches an XPconnect interface (page 3, line 4-5)..

32. As to claim 8, NS teaches typelib files (page 8, ln 14-21).

33. As to claims 18-20 and 30-32, they are apparatus claims of claims 6-8; therefore, they are rejected for the same reasons as claims 6-8 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

October 13, 2004


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